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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
MCPARTLIN, SARAH B	
ART UNIT	**PAPER NUMBER**
3636	

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/769,136	DAVIS ET AL.	
	Examiner	Art Unit	
	Sarah B. McPartlin	3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 August 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

4a) Of the above claim(s) *1-15* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *16-24 and 26-32* is/are rejected.

7)☒ Claim(s) *25 and 33* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *01 June 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *4/18/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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DETAILED ACTION

Priority

1. This application repeats a substantial portion of prior Application No. 10/403794, filed 3/28/03, and adds and claims additional disclosure not presented in the prior application. Since this application names an inventor or inventors named in the prior application, it may constitute a continuation-in-part of the prior application. Should applicant desire to obtain the benefit of the filing date of the prior application, attention is directed to 35 U.S.C. 120 and 37 CFR 1.78.

Information Disclosure Statement

2. The information referred to in the information disclosure statements filed on April 18, 2005 has been considered as to the merits.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 16-24 and 26-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (6,473,313). Chen discloses a means for attaching computer components (50) in an enclosure (26) by attaching a mounting apparatus (10) to the

enclosure (26) and attaching a computer component (50) to the mounting apparatus (10) that is adapted to receive computer components (50), the means comprising: connecting a mounting apparatus (10) to a support member (unlabeled) (defined as the left hand wall of the enclosure (26)) of an enclosure (26) by attaching at least one fastener (18) of the mounting apparatus (10) to the enclosure (26) without the use of a tool (i.e. the fastener is slid into engagement with slots defined by tabs (36)(36)(38)); engaging a computer component (50) with a least one guide pin (22) of the mounting apparatus (10) that is adapted to receive computer components (50); and securing the computer component (50) to the mounting apparatus (10) by releasably engaging the computer component (50) with a release member (16)(14)(12) of the mounting apparatus (10) without the use of the tool.

With respect to claim 17, connecting a mounting apparatus (10) to a support member (unlabeled) further comprises moving the mounting apparatus (10) against the support structure (unlabeled) to slide two front fasteners (unlabeled) (defined by the 2 side edge portions of fastener (18)) and one back fastener (unlabeled) (defined by the 1 front edge portion of fastener (18)) into holes (36)(36)(38) in the support member (unlabeled) of the enclosure (26).

With respect to claim 18, a tab (34) is slid into engagement with a hole (24) in a release plunger (14) that is part of the release member (16)(14)(12). Chen does not disclose a tab on the release plunger (14) that is slid into a hole on the support member. It would have been obvious to one having ordinary skill in the art at the time of the instant invention to reverse the tab (34) and hole (24), since it has been held that a

mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein, 8 USPQ 167.*

With respect to claim 19, a computer component (50) is slid into engagement with the mounting apparatus us (10) so that one guide pin (22) slides into mounting hole (54) on the computer component. Chen does not disclose two guide pins to secure the component onto the mounting apparatus. It would have been obvious to one having ordinary skill in the art at the time of the instant invention to include two mounting tabs (22) as opposed to one, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co., 193 USPQ 8.*

With respect to claim 20, securing the computer component (50) to the mounting apparatus (10) involves engaging the computer component (50) with the release member (16) of the mounting apparatus, moving the computer component (50) against the release member (16)(14)(12) to press the release member (16)(14)(12) toward the support member (unlabeled) as the computer component (50) is slid into position.

With respect to claim 21, the computer component (50) is moved against the release member (16) to press the release member (16) toward the support structure (unlabeled) and is then moved past the release member (16)(14)(12) so that the release member can return to its extended position (see Figure 4), and thereby securing the computer component (50) between a frame (40) of the mounting apparatus (10) and the release member (16)(14)(12).

With respect to claim 22, the computer component (50) has an edge defined by (52) that is rested on a ledge (44) attached to a frame (30) of the mounting apparatus (10) while the computer component (50) is being inserted into the enclosure (26).

With respect to claim 23, securing the computer component (50) to the mounting apparatus (10) comprises using at least one tab (34) to secure the release member (16) in a position that secures the computer component (50) on the mounting apparatus (10) and prevents substantial rotation of the computer component (50). Tab (34) interacts with slot (24) formed in element (14) of release member (16)(14)(12). This interaction prevents rotation of the release member (16)(14)(12) and thereby prevents rotation of the computer component (50).

With respect to claim 24, the edge (unlabeled) of the computer component (50) rests in a pocket (44) in the mounting apparatus to engage mounting holes (54) with pin (22) to secure the component onto the mounting apparatus. Chen does not disclose two tabs to secure the component onto the mounting apparatus. It would have been obvious to one having ordinary skill in the art at the time of the instant invention to include two mounting tabs (22) as opposed to one, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co., 193 USPQ 8.*

With respect to claim 26, Chen discloses a computer component (50) for mounting on a mounting apparatus (10) for receipt in an enclosure (26) wherein the computer component (50) is mounted on a mounting apparatus (10) and manipulation of a release plunger (14) which is part of release member (12)(14)(16) disengages the

computer component (50) with out the use of the tool, at least one guide pin (22) of the mounting apparatus (10) is disengaged from the computer component (50) upon manipulation of the release plunger (14); and the mounting apparatus (10) is disconnected from a support member (unlabeled) by detaching at least one fastener (18) of the mounting apparatus (10) without the use of a tool.

With respect to claim 27, pressing the release plunger (14) toward the support member (30) causes sections (12) and (16) of the release member (12)(14)(16) to bow away from the component and therefore disengage pin (22) from the component (50).

With respect to claim 28, once the component (50) is moved passed the bowed portion (16) of the release member (12)(14)(16) the release member (12)(14)(16) returns to its original position.

With respect to claim 29, the mounting apparatus (10) has one guide pin (22) that upon pressing the release plunger (14) is moved away from the computer component (50) and releases the computer component (50). It would have been obvious to one having ordinary skill in the art at the time of the instant invention to include two mounting pins (22) as opposed to one, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co., 193 USPQ 8.*

With respect to claim 30, disconnecting the mounting apparatus (10) from the support member (unlabeled) of the enclosure (26) involves detaching at least one fastener (18) of the mounting apparatus (10) from the enclosure (26) involves pulling a release plunger (14) away from the support structure to slide a tip (34) out of a hole

(24). It would have been obvious to one having ordinary skill in the art at the time of the instant invention to reverse the tab (34) and hole (24), since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein, 8 USPQ 167.*

With respect to claim 31, pressing at least one tab (14) toward the mounting apparatus (10) releases the computer component (50) and the edge of the computer component (unlabeled) is slid out of a resting pocking (44) on the frame (30) of the mounting apparatus (10).

With respect to claim 32, the computer component (50) must be slid off of the guide pin (22) and out of the support structure (26) in order for the two side edges of fastener (18) constituting two front fasteners and the front edge of fastener (18) constituting one back fastener are slid out of holes (36)(36)(38) in the support member.

As disclosed above, Chen discloses all claimed elements with the exception of the specific method steps of installing the computer component into the enclosure. Chen does reveal all claimed structural elements that make the claimed method of using possible. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the instant invention to assume the steps of engaging and sliding in order to assemble the apparatus.

Allowable Subject Matter

5. Claims 25 and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Amendment/Arguments

6. The amendment filed on August 8, 2005 has been considered in its entirety. Remaining issues are detailed in the section above.

Applicant argues that the Chen reference does not disclose securing the computer component (50) to the mounting apparatus (10) by releasably engaging the computer component (50) to the mounting apparatus (10) with a release member (16)(14)(12) of the mounting apparatus without the use of a tool. The computer component (50) is engaged with the release member (16)(14)(12) by way of guide pin (22) that is mounted on engaging section (12) of release member (16)(14)(12). Therefore, the Examiner maintains that the release member (16)(14)(12) releasably engages the computer component (50). No tool is used to mount the computer component. Instead, the mounting apparatus is pulled outwardly with an operator's fingers, the computer component is slid into place and the mounting apparatus is released to lock the component in place. Therefore, the Examiner maintains that no tool is used to attach the computer component to the mounting apparatus.

Applicant further argues that the engaging element (12) does not engage the data storage device, but instead engages the side panel of the enclosure. The Examiner agrees that element (12) is not in contact with the data storage device (50).

However, element (12) does engages the data storage device (50) by way of pin (22) which is mounted on the back side of element (12).

Applicant further argues that the device disclosed by Chen requires the use of a tool to mount the computer component to the mounting apparatus. The Examiner recognizes that screw (52) is attached to the computer component (50) and slides along slot (42). The claim does not state that no tools can be used in the assembly of the computer component (50). It simply requires that the mounting process be completed without the use of a tool. The mounting process involves the steps of sliding the component into place and securing it within the enclosure. These steps of mounting are performed without the use of a tool. Furthermore, column 1, lines 13-14 quoted by Applicant details how the installation and removal of screws is required in conventional computer data storage devices, not necessarily the device disclosed by the reference.

The Applicant further argues that element (26) is not an enclosure. Webster's II New Riverside Dictionary, 1994 edition defines enclosure on page 430 as "something that encloses" and defines the verb to enclose as "to place inside a container." The Examiner maintains that element (26) functions as an enclosure to component (50) in that it contains component (50). The Examiner maintains that the side wall of the enclosure (26) constitutes a support member in that it carries grooves (42) which clearly supports computer component (50) as depicted in Figure 2.

Applicant further argues that element (14) of Chen does not constitute a release plunger. Element (14) is pulled outwardly by the operator to cause pin (22) to disengages from the computer component (50) as disclosed in column 3, lines 9-11.

The Examiner therefore maintains that element (14) is a release plunger because manipulation of the element causes release of engagement between the release member (12)(14)(16) and the computer component (50).

Applicant further argues that Chen does not disclose the unsecuring of the computer component (50) without the use of a tool. Again, the Examiner maintains that the computer component (5) is unsecured by pulling element (14) outward and sliding the component out of the enclosure (26). No tool is required to complete this operation. Again, the claim does not require that no tools are used during the assembly of the entire device. Clearly, the component itself will require some assembly that may need tools. However, the process of removing the component from the enclosure does not require tools.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah B. McPartlin whose telephone number is 571-272-6854. The examiner can normally be reached on M-Th 7:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SBM
October 18, 2005

Peter M. Cuomo
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